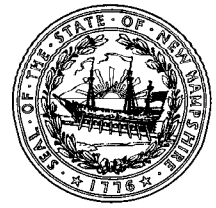




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-021**

March 21, 2006

B & G Investments  
Gordon Dickie  
PO Box 47  
Fitzwilliam, NH 03447

RE: DES Wetlands File #2005-00420 Route 10, Gilsum

Dear Mr. Dickie;

On February 8, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilsum Tax Map 405 as Lot 41 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. The access road to the Property off Route 10 crosses a perennial stream. No stream crossing was installed and the bed and banks of the stream channel have been rutted.
2. A wetland crossing was recently constructed to access a new excavation area. Approximately 600 square feet of wetland has been excavated, filled or graded.
3. Excavation is occurring immediately adjacent to jurisdictional wetlands. No erosion controls have been installed at the wetland boundary.
4. Newly excavated areas are continuing to encroach on jurisdictional wetlands (excavation is occurring in pit and mound wetlands) based on NWI mapping and NRCS soils data.

**In response, you are requested to take the following actions:**

1. Immediately install erosion controls where excavation has occurred adjacent to wetlands.
2. **Within 60 days** of receipt of this letter, have the wetland boundaries delineated by a Certified Wetland Scientist according to the Army Corps Delineation Manual 1987. The wetlands on the Property shall be delineated to prevent inadvertent encroachment on jurisdictional wetland areas.

The delineation shall be stamped by a Certified Wetland Scientist and depicted on a site plan.

3. **Within 60 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval to restore 600 square feet of impact for crossing #2 and any other encroachments found after delineating the Property. Have the restoration plan prepared by a certified wetland scientist, and include provisions for delineating jurisdictional wetlands, restoring wetland impacts and installing erosion controls on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization (both temporary and permanent) to be installed between the excavation areas and/or stockpiles and the jurisdictional wetland boundary;
- c. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization, of the wetland restoration area;
- d. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- e. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- f. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum an initial monitoring report immediately following the restoration activities and monitoring progress reports for two successive growing seasons following completion of the restoration project.

4. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

6. **Within 60 days** of receipt of this Letter of Deficiency, submit a Standard Dredge and Fill permit application to install a crossing for the perennial stream and any other crossings in jurisdictional areas to be retained.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work

is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script, appearing to read "Collis G. Adams", is written over the word "COPY".

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 2316

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Gilsum Conservation Commission  
Gilsum Board of Selectmen  
USACOE